

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

GARY LE RICKY MYERS,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

**7: 11-CV-90110 (HL)**

28 U.S.C. § 2255

**7: 08-CR-29 (HL)**

## ORDER AND RECOMMENDATION

Petitioner has filed a letter in response to the Court's Order directing Petitioner to submit a financial affidavit so that the case could proceed to an evidentiary hearing. (Doc. 34). In his letter, Petitioner states that he no longer wants to go forward with his §2255 Motion to Vacate because he is at the end of his sentence. The undersigned recommends that Petitioner's letter be treated as a request for dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2). Therefore, based on the information contained in Petitioner's letter, it is the recommendation of the undersigned that Petitioner's §2255 Motion to Vacate be **DISMISSED**.

As Petitioner has stated he no longer wants to go forward with this action, Petitioner's Motion of Discovery and appointment of counsel (Doc. 28) is **DENIED** as moot.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to the recommendation contained herein with the Honorable Hugh Lawson, United States District Judge, **WITHIN FOURTEEN (14) DAYS** after being served with a copy of this Recommendation.

**SO ORDERED AND RECOMMENDED,** this 23<sup>rd</sup> day of March, 2012.

**s/ *THOMAS Q. LANGSTAFF***  
**UNITED STATES MAGISTRATE JUDGE**